

**DOCKET NO.:** MSFT-0556/140707.1  
**Application No.:** 09/717,680  
**Office Action Dated:** May 14, 2007  
**Advisory dated** October 12, 2007

**PATENT**  
**REPLY FILED UNDER EXPEDITED**  
**PROCEDURE PURSUANT TO**  
**37 CFR § 1.116**

### **REMARKS**

Claims 1, 2, 4-9, and 12-28 are pending in the application. Applicant proposes amending claims 1, 15, and 22. Applicant proposes canceling claim 13.

All pending claims stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious. Applicant respectfully requests reconsideration.

### **Prior Art Rejections**

Claims 1, 2, 4-9, and 15-28 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Coad et al. (U.S. Patent No. 6,851,107) in view of Weinberg et al. (U.S. Patent No. 5,974,572) in view of Washburn et al. (U.S. Patent No. 5,157,779) in view of Banning et al. (U.S. Patent No. 5,485,567) in view of Rivlin (U.S. Patent No. 6,032,159). Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the above references and further in view of Paddeda et al. (U.S. Patent 6,031,159). Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the above references in further view of Gupta et al. (U.S. Patent 6,484,156). Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the above references in further view of O'Donnell et al. (U.S. patent 6,223,203). Reconsideration is respectfully requested.

Claim 1 recites a computerized system for software development comprising:

a source code editor operable to edit a source code module;

a graphical design surface operable to display a graphical object representing actual code of the source code module and provide integrated testing of the source code module, wherein the integrated testing includes load testing;

**a change manager operative to manage versioning of the source code module;**

**an application datastore operative to store a previous version of the source code module; and**

**a package manager operative to provide an interface adapted for highlighting a set of software modules to be grouped together as a package and further adapted for receiving properties to be associated with a package,**

wherein upon a change in the source code module, the change in the source code is immediately communicated to the graphical design surface and the graphical design surface is updated to reflect the change in the source code module, wherein the design surface displays the graphical

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object, the graphical object represents a database object, the design surface is operative to bind a particular database system to the database object, the database object further includes a database column, the source code module includes a variable, and the design surface is operative to bind the database column to the variable.

In order for a reference to anticipate this claim, or render it obvious, the recited language and its combination in the recited arrangement must be taught by the prior art. The undersigned respectfully submits that the cited references do not teach the recited language, including that emphasized, and cannot possibly teach or even suggest the recited combination.

The Office acknowledges that neither Coad nor Weinberg teach a change manager operative to manage versioning of the source code module and an application datastore operative to store a previous version of the source code module. But the Office alleges that Washburn discloses these features and also suggests combining the features with Coad and Weinberg to create the recited system. Applicant respectfully disagrees.

Washburn discloses a testing system with the object of testing a wide variety of software programs across different types of hardware architectures (Col. 1, ll. 50-54). In the system disclosed by Washburn, a journal module provides the ability to *record events representative of user actions* taken to execute certain tasks which form the test (Col. 1, ll. 66-68). A save data module provides the capability in the testing system to *save data during execution of the test, the data being determinative of the pass/fail status of the test*. (Col. 8, ll. 33-37). The *saved data* is subsequently compared to *expected data*, referred to as the *master data* (Col. 8, ll. 38-39). If the saved data is not the same as the master data, the companion fails resulting in a test failure status (Col. 8, ll. 39-41).

Thus, Washburn discloses *comparing* a first file **representative of actual responses of a software application** with a second master file that contains *expected responses of the software*. In contrast, claim 1 recites a change manager operative to *manage versioning of the source code module*. An application such as that disclosed by Washburn that merely has stored therein two files containing *test responses* is **not the same** or even similar to a system such as recited in claim 1 that recites a manager operative to *manage versioning of the source code module*. Test **responses** are **not** the same as **source code**. Washburn simply does not teach the language recited in the claim.

The cited references also fail to teach newly added claim language – **“a package manager operative to provide an interface adapted for highlighting a set of software modules to be grouped together as a package and further adapted for receiving properties to be associated with a package.”** The Office previously cited Gupta in connection with the rejection of claim 13 which recited similar language. It is respectfully submitted that the Gupta reference **cannot** be cited as a reference against the present application under 35 U.S.C. § 103.

Under 35 U.S.C. § 103(c)(1), “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, **shall not preclude patentability under this section where the subject matter and the claimed invention were**, at the time the claimed invention was made, owned by the same person or **subject to an obligation of assignment to the same person.**” Here, the Gupta reference qualifies as prior art only under 35 U.S.C. § 102(e). Furthermore, the Gupta reference is assigned to Microsoft Corporation. (See attached PTO Assignment database printout). But Microsoft Corporation is *also the assignee of the present application*. Thus, both the Gupta reference and the present application are assigned to the same legal entity. Accordingly, under 35 U.S.C. § 103(c)(1), the Gupta reference cannot preclude patentability under 35 U.S.C. § 103(a). The Gupta reference is not available to be cited as prior art, and the remaining references entirely fail to teach **“a package manager operative to provide an interface adapted for highlighting a set of software modules to be grouped together as a package and adapted for receiving properties for a package.”**

Therefore, because the cited references do not teach or suggest all of the recited language, claim 1 and its dependent claims are neither anticipated nor rendered obvious by the cited references. For similar reasons, independent claims 15 and 22, and all claims depending therefrom, are neither anticipated nor rendered obvious by the cited references.

The undersigned notes that claim 22 has been further amended to add the following language:

in response to a user input, creating a package populated  
with different software components;  
receiving a user input identifying properties to be  
associated with the package;

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in response to a user input, creating a deployment group comprising a collection of packages for deployment;  
presenting a matrix of machines and defined deployment groups;  
receiving a user input mapping a deployment group to a set of machines; and  
storing the mapping of a deployment group to a set of machines.

It is respectfully submitted that none of the cited references teach or even suggest this additional claim language. For this additional reason, claim 22 and all claims depending therefrom are neither anticipated nor rendered obvious.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

### **CONCLUSION**

The undersigned respectfully submits that pending claims are allowable and the application in condition for allowance. A Notice of Allowance is respectfully solicited.

The Examiner is invited to call the undersigned in the event a telephone interview will advance prosecution of this application.

Date: October 31, 2007

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